

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ALEX PENLAND,

Plaintiff

v.

C-1-13-20

JOSEPH T. DETERS,  
*et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 14) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted. The Report and Recommendation of the United States Magistrate Judge (doc. no. 14) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE.

Plaintiff's claims against defendants Deters and Rinehart in their individual capacities and his claims asserting criminal assault are DISMISSED. See 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). Plaintiff's claims asserted in causes of action 2, 3, 6 and 8 are also DISMISSED because these claims are barred by the *Rooker-Feldman* doctrine. Finally, plaintiff's Motion for Leave to File a Third Amended Complaint (doc. no. 11) is DENIED.

This case is RECOMMITTED to the United States Magistrate for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court